

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA

V.

NO. 4:17-CR-131-1

SCOTT E. NELSON

ORDER CONTINUING TRIAL

On December 16, 2021, Scott Nelson filed a motion to continue the January 18, 2022, trial date. Doc. #281. As cause, Nelson represents that trial “is estimated to last approximately four to six weeks;” “[t]here are in excess of 60 witnesses ... expected to testify;” “[m]any of these witnesses are not local, and a great number of them are elderly and not in good physical health;” infections of the COVID-19 Delta variant “have already reached epidemic proportions nationwide, and especially in Mississippi;” and “due to the length of this trial, there is a strong likelihood that one or more of the witnesses or jurors could become infected, thereby risking the chance of contaminating the entire jury pool, many of the witnesses, and court personnel.” *Id.* at 1–2. Nelson also submits that given “the uncertainty of the current situation with respect to the Delta Variant virus,” a continuance until “a time when the threat of this virus has substantially lessened and far more people have been fully vaccinated or have otherwise developed natural immunities” would provide “more assurance of successful completion” of the trial. *Id.* Nelson further represents that the government does not oppose the motion. *Id.* at 2.

The fact that many of the expected trial witnesses “are elderly and not in good physical health” weighs in favor of trial commencing as soon as reasonably possible. And contrary to

Nelson's argument regarding the state of the pandemic,¹ data from the Mississippi Department of Health reflects a decrease in COVID cases across the state.² Accordingly, the risk of COVID-19 infection alone is not a sufficient ground to continue the trial. However, because the Court concludes the ends of justice served by granting a brief continuance to allow the parties additional time to prepare for trial outweigh the best interest of the public and Nelson in a speedy trial, the motion [281] is **GRANTED in Part and DENIED in Part**. It is GRANTED to the extent it seeks a continuance but DENIED to the extent it seeks a continuance beyond the new trial date specified in this order.

Trial is continued to **Monday, January 24, 2022**. The delay from this date until the commencement of such trial shall be excluded from all computations relative to the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A).

SO ORDERED, this 22nd day of December, 2021.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

¹ Nelson relies on graphs and an undated excerpt from an online article which appear to show primarily the number of COVID cases *nationally* rather than the number of cases specifically in Mississippi. See Doc. #281-1. Such also does not appear to reflect the state of the pandemic beyond October 31, 2021. *Id.*

² See Miss. State Dep't of Health, *Interactive Charts: COVID-19 Epidemiological Charts and Trends* (Dec. 20, 2021, 6:00 PM), https://msdh.ms.gov/msdhsite/_static/14,21995,420,873.html.